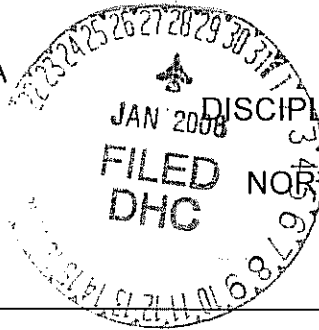


NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
08 DHC 3

THE NORTH CAROLINA STATE BAR,)
Plaintiff)

v.)

FREDRICK R. PIERCE, Attorney,)
Defendant)

COMPLAINT

Plaintiff, complaining of defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar (hereinafter "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, Fredrick R. Pierce (hereinafter "Pierce" or "Defendant"), was admitted to the North Carolina State Bar on March 24, 2001 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Revised Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

Upon information and belief, the State Bar alleges:

3. During the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Raleigh, Wake County, North Carolina.

First Claim for Relief

4. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 3 above as if set out in full herein.

5. On January 19, 2007 Norvej Scott filed a petition for resolution of disputed fee with the North Carolina State Bar pursuant to 27 N.C.A.C. 1D §.0700. Scott's fee dispute petition was designated file number 07FD0033.

6. By letter dated February 13, 2007 Joseph W. Eason (hereinafter "Eason") Chair of the Tenth Judicial District Bar Fee Dispute Resolution Committee notified Defendant of Scott's petition by sending Defendant a copy of the petition and directed Defendant to respond to the petition by March 6, 2007.

7. Defendant received Eason's February 13, 2007 letter by certified mail on February 15, 2007.

8. Defendant failed to respond to Eason's February 13, 2007 letter.

9. By letter dated March 12, 2007 Eason reminded Defendant that his response to Scott's petition had not been received and directed that he respond by March 19, 2007.

10. Defendant received Eason's March 12, 2007 letter by certified mail on March 13, 2007.

11. Defendant failed to respond to Eason's March 12, 2007 letter.

12. After receiving no response to the fee dispute, the Tenth Judicial District Bar Fee Dispute Resolution Committee closed the fee dispute file and referred Defendant's file to the disciplinary department of the North Carolina State Bar where a grievance file was opened and assigned file number 07G0394.

13. On May 17, 2007, pursuant to 27 N.C.A.C. 1B §.0112(b), the Chair of the Grievance Committee sent Defendant a Letter of Notice accompanied by a Substance of the Grievance.

14. Defendant received the Letter of Notice and its attachment by certified mail on June 9, 2007.

15. Pursuant to 27 N.C.A.C. 1B §.0112(c) Defendant was required to respond to the letter of notice within 15 days of receipt.

16. Defendant failed to respond to the letter of notice within 15 days.

17. On July 12, 2007, Respondent delivered to the North Carolina State Bar a response to the Letter of Notice.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that Defendant violated one or more of the Revised Rules of Professional Conduct in effect at the time of the actions as follows:

a. by failing to respond to the notices of petition for fee dispute resolution sent by the Tenth Judicial District Fee Dispute Resolution Committee and received by Defendant on February 15 and March 13, 2007, Defendant failed to participate in good faith with the fee dispute resolution process of the North Carolina State Bar in violation of Rule 1.5(f); and

b. by failing to respond to the Letter of Notice within the time provided by rule, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

Second Claim for Relief

18. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 3 above as if set out in full herein.

19. In June 2005 Glenn M. Guy engaged Defendant to represent Guy in his efforts to seek visitation and/or child custody.

20. Guy paid Defendant \$2,500.00 in advance for the services Defendant was to render in that matter.

21. Defendant did not prepare or file any documents seeking child visitation and/or custody on Guy's behalf.

22. Guy left numerous messages inquiring about the status of the matter but Defendant did not return Guy's telephone calls.

23. Defendant did not return unearned fees to Guy despite several requests by Guy to do so.

24. On May 24, 2007 Guy filed a petition for resolution of disputed fee with the North Carolina State Bar pursuant to 27 N.C.A.C. 1D §.0700. Guy's fee dispute petition was designated file number 07FD0279.

25. By letter dated June 20, 2007 Joseph W. Eason (hereinafter "Eason") Chair of the Tenth Judicial District Bar Fee Dispute Resolution Committee notified Defendant of Guy's petition by sending Defendant a copy of the petition and directed Defendant to respond to the petition by July 11, 2007.

26. Defendant received Eason's June 20, 2007 letter by certified mail on June 21, 2007.

27. Defendant failed to respond to Eason's June 20, 2007 letter.

28. After receiving no response to the fee dispute, the Tenth Judicial District Bar Fee Dispute Resolution Committee closed the fee dispute file and

referred Defendant's file to the disciplinary department of the North Carolina State Bar where a grievance file was opened and assigned file number 07G0850.

29. On August 24, 2007, pursuant to 27 N.C.A.C. 1B §.0112(b), the Chair of the Grievance Committee sent Defendant a Letter of Notice accompanied by a Substance of the Grievance.

30. Defendant received the Letter of Notice and its attachment by certified mail on September 1, 2007.

31. Pursuant to 27 N.C.A.C. 1B §.0112(c) Defendant was required to respond to the letter of notice within 15 days of receipt.

32. Defendant failed to respond to the letter of notice within 15 days.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that Defendant violated one or more of the Revised Rules of Professional Conduct in effect at the time of the actions as follows:

a. by failing to perform the legal services for which he was engaged by Guy, Defendant did not act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;

b. by failing to return Guy's telephone calls or otherwise communicate with Guy, Defendant failed to keep his client reasonably informed about the status of the representation and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(3) and (4);

c. by receiving \$2,500.00 from Guy and not performing the work agreed upon, Defendant charged and collected a clearly excessive fee in violation of Rule 1.5(a);

d. by failing to return unearned fees to Guy, Defendant did not take steps reasonably necessary to protect the client's interests in violation of Rule 1.16(d) and did not promptly pay or deliver to the client entrusted property belonging to the client and to which the client was currently entitled in violation of Rule 1.15-2(a) and (m);

e. by failing to respond to the notice of petition for fee dispute resolution sent by the Tenth Judicial District Fee Dispute Resolution Committee and received by Defendant on June 21, 2007, Defendant failed to participate in good faith with the fee dispute resolution process of the North Carolina State Bar in violation of Rule 1.5(f); and

f. by failing to respond to the Letter of Notice within the time provided by rule, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

Third Claim for Relief

33. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 3 above as if set out in full herein.

34. In November 2006 Frances J. Wright engaged Defendant to represent Wright in a pending action for equitable distribution.

35. Wright's equitable distribution matter was tried in Harnett County on March 20, 2007.

36. After the trial Wright requested, and Defendant agreed, to file a notice of appeal to protect Wright's right to perfect an appeal from the equitable distribution order.

37. Defendant did not file a notice of appeal on Wright's behalf.

38. Wright filed with the North Carolina State Bar a grievance against Defendant to which was assigned file number 07G0847.

39. On August 24, 2007, pursuant to 27 N.C.A.C. 1B §.0112(b), the Chair of the Grievance Committee sent Defendant a Letter of Notice accompanied by a Substance of the Grievance.

40. Defendant received the Letter of Notice and its attachment by certified mail on September 1, 2007.

41. Pursuant to 27 N.C.A.C. 1B §.0112(c) Defendant was required to respond to the letter of notice within 15 days of receipt.

42. Defendant failed to respond to the letter of notice within 15 days.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that Defendant violated one or more of the Revised Rules of Professional Conduct in effect at the time of the actions as follows:

a. by failing to file a notice of appeal on Wright's behalf after undertaking to do so, Defendant did not act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;

b. by failing to respond to the Letter of Notice within the time provided by rule, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

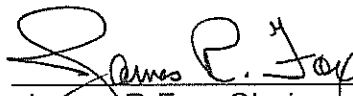
WHEREFORE, the State Bar prays that

1. Disciplinary action be taken against Defendant in accordance with N.C.G.S. §84-28 (c) and 27 N.C.A.C. 1B §.0114 as the evidence on hearing may warrant,

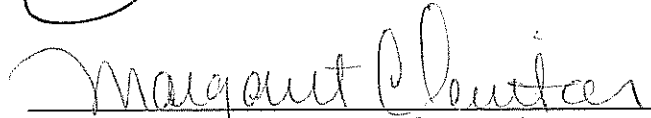
2. Defendant be taxed with the costs permitted by law in connection with this proceeding, and

3. For such other and further relief as is appropriate.

This the 28 day of January, 2008.



James R Fox, Chair
Grievance Committee



Margaret Cloutier, Deputy Counsel
Attorney for Plaintiff
The North Carolina State Bar
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(919) 828-4620